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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 5679 of 2006

Petitioner	Ajay Kumar Soni, Proprietor of M/s Viplav Gas Agency (Allotted under Freedom Fighter Quota), S/o Late Shri Parasram Soni, Aged about 51 years, Siddharth Chowk, Tikarapara, Raipur (Chhattisgarh)
Versus	
Respondent	Hindustan Petroleum Corporation Limited, through Senior Regional Manager and constituted Attorney, L.P.G. Regional Office, L.P.G. Bottling Plant, Mandir Hasaud, Distt. Raipur (Chhattisgarh).

WRIT PETITION UNDER ARTICLES 226/ 227 OF THE COSTITUTION OF INDIA

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri Prashant Mishra, Senior Advocate with Shri B. D. Guru, Advocate for the petitioner.

Shri Bhishma Kinger, Advocate for the respondent.

ORDER

(Passed on this 16th day of April, 2007)

1. Learned counsel appearing for the petitioner, submits that this Court vide order dated 19.9.2005 passed in W.P.No. 2649 of 2005 (Ajay Kumar Soni Vs. Hindustan Petroleum Corporation Limited) has observed as under:-

> "It is true that unless the probate proceedings are finalized and probate is granted the dispute cannot be resolved by way of this writ petition. In the circumstances the 3rd Additional District Judge, Raipur is directed to dispose of the probate proceedings expeditiously and the parties i.e. the legal heirs of Late Parasram Soni shall be bound by the result of the probate proceedings, thereafter, the respondent Corporation can consider the claim of these persons, in accordance with law, and the rules & regulations."

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2. Learned counsel for the petitioner further submits that the 3rd Additional District Judge, Raipur vide order dated 4th March, 2006 passed in M.J.C. (Probate) No. 2/2002 (Annexure P/1) has granted probate in favour of the petitioner.

3. Shri Bhishma Kinger, learned counsel appearing for the respondent submits that in view of the probate granted by the 3rd Additional District Judge, Raipur, in favour of the petitioner, the representation of the petitioner shall be considered, in accordance with law and appropriate order would be passed within stipulated period.

4. In view of the above, nothing survives in this matter.

5. The petition is dismissed, as having become infructuous. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur